

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:17CR383
)	
Plaintiff,)	CHIEF JUDGE PATRICIA A. GAUGHAN
)	
vs.)	DEFENDANT’S MOTION TO CONTINUE
)	SENTENCING
GREGORY T. PLESICH,)	
)	
Defendant.)	

Defendant, by and through his counsel, respectfully moves the Court to continue his sentencing, presently scheduled for May 22, 2018, at 11:30 a.m.

The ground for this motion is as follows. Local Criminal Rule 32.2 sets out the time frame for the filing of sentencing memoranda by the parties, and the Defendant timely filed his memorandum on May 15, 2018. The Rule also allows a party to file a response not less than 3 business days before sentencing, which, in this case, was May 17, 2018.

After the close of business on Friday, May 18, 2018, at 5:23 p.m., the government filed a lengthy sentencing memorandum that raises a number of legal issues under the advisory Sentencing Guidelines and otherwise, and goes beyond simply responding to the issues raised in the Defendant’s sentencing memorandum.

A continuance of the sentencing is warranted to allow the Defendant to respond to the arguments that have been made by the government and to permit the Court sufficient time to review all of the materials prior to sentencing.

A memorandum in support of this motion is attached.

Respectfully submitted,

/s/ J. Michael Murray

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UNITED STATES OF AMERICA,)	CASE NO. 5:17CR383
)	
Plaintiff,)	CHIEF JUDGE PATRICIA A. GAUGHAN
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vs.)	
)	MEMORANDUM IN SUPPORT OF
GREGORY T. PLESICH,)	DEFENDANT'S MOTION TO CONTINUE
)	SENTENCING
Defendant.)	

Local Criminal Rule 32.2 sets out the time frame, before sentencing in a criminal case, for the parties' positions on sentencing to be filed with the Court. Specifically, Paragraph (C) of the Rule provides:

(c) Position of Parties With Respect to Sentencing Factors.

No later than one (1) week prior to sentencing, the parties shall file with the Court any information required by the Court, and any information the parties intend to rely upon at the time of sentencing. Any responses by the parties shall be filed with the Court no later than three (3) business days prior to sentencing.

Id.

The Defendant's sentencing is scheduled to be held on May 22, 2018. Under the timing set out in the Rule, the Parties' initial filing was to be submitted to the Court by May 15, 2018. Defendant filed his Sentencing Memorandum on that date. The government did not.

The Rule also authorizes a response to a parties' initial filing to be filed not later than three business days before the sentencing. In this case, May 17, 2018, was the deadline for the government to respond to the Defendant's sentencing memorandum. The government did not file a response.

Rather, after the close of business on Friday, May 20, 2018, it filed a lengthy memorandum that raises a number of legal issues under the advisory Sentencing Guidelines and

otherwise, and goes beyond merely responding to the Defendant's position.

The Rules allow the Defendant to file a response, and the Defendant's sentencing should be continued to allow him to respond to the contentions advanced by the government. In addition, continuing the sentencing will allow the Court sufficient time to review and consider the parties' positions before it sentences the Defendant.

For all of the foregoing reasons, Defendant respectfully requests that the Court grant his motion and continue the sentencing in this matter.

Respectfully submitted,

/s/ J. Michael Murray

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CERTIFICATE OF SERVICE

The foregoing Defendant's Motion to Continue Sentencing was filed electronically on May 21, 2018, and served through the Court's electronic filing system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy was also served on Jordan Wlotzko, U.S. Pretrial Services and Probation Officer via email at Jordan_Wlotzko@ohnp.uscourts.gov.

/s/ J. Michael Murray

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